23-15531

IN THE

United States Court of Appeals

FOR THE NINTH CIRCUIT

DAVID ANTHONY STEBBINS, DBA Acerthorn,

Plaintiff-Appellant,

—v.—

KARL POLANO, DBA Sofiannp; FREDERICK ALLISON, DBA InitiativeKookie; RAUL MATEAS, DBA TGP482; ALPHABET, INC.; DISCORD, INC.; AMAZON.COM, INC.; YOUTUBE, LLC,

Defendants-Appellees,

—and—

FACEBOOK, INC.,

Defendant.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

INDEX VOLUME

JEREMY P. AUSTER
WILSON SONSINI GOODRICH
& ROSATI
1301 Avenue of the Americas,
40th Floor
New York, New York 10019
(212) 999-5800

Attorneys for Defendants-Appellees Alphabet, Inc. and YouTube, LLC

TABLE OF CONTENTS

DOCKET NO.	DESCRIPTION PAGE	
Volume I of III		
160	Judgment, filed July 11, 2022 SER2	
158	Order Granting Motion to Intervene, Denying Motion for Default Judgment and Dismissing Action, filed July 11, 2022	
Volume II of III		
187	Order Denying Motion for Protective Order, filed March 28, 2023	
186	Order Denying Motion for Reconsideration and Recusal and Denying Motion for Relief from Judgment, filed March 28, 2023	
181	Opposition to Motion for Protective Order and for Sanctions [Dkt. 179], filed February 21, 2023 SER21	
180	Clerk's Notice re 174 Administrative Motion to Consider Whether Cases Should be Related, filed February 9, 2023	
179	Motion for Protective Order and for Sanctions, filed February 6, 2023	
179-1	Email from Jason Mollick to David Stebbins, dated January 26, 2023	
179-2	[Proposed] Order Granting Protective Order and Sanctions	

ii

	PAGE
174	Administrative Motion to Consider Whether Cases Should be Related, filed January 25, 2023 SER45
174-1	Declaration of Jason Mollick in Support of Administrative Motion to Consider Whether Cases Should be Related, filed January 25, 2023
174-2	[Proposed] Order Granting Administrative Motion to Consider Whether Cases Should be Related, filed January 25, 2023
172	Notice of Application for Writ of Mandamus and for Writs of Prohibition, filed December 7, 2022 SER55
172-1	Petition for Writs of Mandamus and Writs of Prohibition
167	Reply in Support of Motion to Set Aside Judgment, filed August 7, 2022 SER67
162	Motion for Relief of Judgment, filed July 25, 2022 SER74
159	Motion for Leave to File Motion for Reconsideration and to Recuse, filed July 11, 2022
155	Reply to [154] Response to Objection to Reply Evidence and Opposition to [152] Motion for Leave to File Supplemental Memorandum, filed June 8, 2022
155-1	Email from David Stebbins, dated June 6, 2022 SER82
153	Objection to Reply Evidence, filed June 6, 2022 SER83
153-1	Email from David Stebbins to Jason Mollick, dated September 28, 2021
153-2	Accidental Livestream from April 10, 2021 SER94

iii

153-3	Accidental Livestream from April 10, 2021 SER95
153-4	Accidental Livestream from April 10, 2021 SER96
152	Motion for Leave to File Supplemental Brief in Response to [151] Reply to Motion to Intervene, filed June 1, 2022
151	Reply in Further Support of Motion to Intervene, filed June 1, 2022
150	Order Denying Motion to File Revised or Supplemental Opposition, filed May 25, 2022 SER116
148	Motion for Leave to File Supplemental and/or Revised Opposition to [138] Motion to Intervene and for Leave to do so Under Seal, filed May 7, 2022 SER117
144	Opposition to Motion to Intervene, filed April 29, 2022
144-1	Request for Judicial Notice
144-2	[Proposed] Order Denying [138] Motion to Intervene
143	Order Denying Emergency Motion to Strike, filed April 27, 2022
142	Emergency Motion to Strike, filed April 27, 2022 SER148
142-1	[Proposed] Order Striking [138] Motion to Intervene
141	Stipulation and [Proposed] Order to Modify Schedule on Motion to Intervene, filed April 27, 2022 SER154
138	Motion to Intervene, filed April 20, 2022 SER157

iv

120 1	PAGE	
138-1	Request for Judicial Notice in Support of Motion to Intervene	
138-2	Exhibit A— Copy of E-File Application	
138-3	[Proposed] Order SER184	
135	Motion to Clarify or in the Alternative for Leave to File Supplemental Brief, filed April 13, 2022 SER185	
135-1	Email from David Stebbins to Jason Mollick, dated April 6, 2022	
134	Order Regarding Notice of Voluntary Dismissal and Striking Motions, filed April 12, 2022 SER191	
132	Reply to [131] Opposition to [130] Motion to Strike, filed April 11, 2022	
131	Joint Response to Plaintiff's Motion to Strike the Corporate Defendants' Motion to Dismiss, filed April 11, 2022	
Volume III of III		
130	Motion to Strike [129] Motion to Dismiss, filed April 11, 2022	
129	Corporate Defendants' Joint Notice of Motion and Motion to Dismiss, filed April 11, 2022	
129-1	Request for Judicial Notice in Support of Corporate Defendants' Joint Motion to Dismiss	

V

100	PAGE
128	Notice of Voluntary Dismissal without Prejudice as to Alphabet Inc., Discord Inc. and Amazon.com Inc., filed April 11, 2022
127	Motion for Default Judgment as to Karl Polano, Raul Mateas and Frederick Allison, filed April 7, 2022
127-1	Email from David Stebbins, dated March 19, 2022 SER246
127-2	Text Messages SER250
127-3	Text Message SER251
127-4	Email to David Stebbins, dated February 20, 2022 SER252
127-5	Email from Mark Jansen to David Stebbins, dated February 21, 2022
127-6	Email from Eric Marciogn to David Stebbins, dated February 22, 2022
127-7	Email from Sally Acorn to David Stebbins, dated February 22, 2022
127-8	Email from Stephen Thortonberry to David Stebbins, dated February 22, 2022 SER256
127-9	Email to David Stebbins, dated March 6, 2022 SER257
127-10	Email from Bijan N. to David Stebbins, dated March 18, 2022
127-11	Email from Shon Brennan to David Stebbins, dated April 3, 2022 SER259
127-12	Email to David Stebbins, dated March 22, 2022 SER260

vi

	PAGE
127-13	Email to David Stebbins, dated December 20, 2021 SER261
127-14	Email to David Stebbins, dated December 20, 2021 SER262
127-15	Email to David Stebbins, dated December 20, 2021 SER263
127-16	Text Messages SER264
127-17	YouTube Links of the Acerthorn Pinata Bashing thread
127-18	YouTube Link of SidAlpha's video SER266
127-19	Facts of the Case SER267
127-20	Memorandum of Points and Authorities in Support of Motion for Default Judgment as to Karl Polano, Frederick Allison and Raul Mateas SER274
125	Clerk's Notice Entry of Default as to Defendant Karl Polano, filed April 6, 2022
123	Clerk's Notice Entry of Default as to Defendant Raul Mateas. filed March 28, 2022
122	Motion for Entry of Default as to Raul Mateas, filed March 28, 2022
91	Clerk's Notice Entry of Default as to Defendant Frederick Allison, filed November 4, 2021 SER299
55	Second Amended Complaint, filed September 17, 2021 SER300
21	Order Re Sufficiency of Amended Complaint and Deferring Ruling on Ex Parte Application for Temporary Restraining Order, filed August 3, 2021 SER327

vii

11	PAGE Amended Complaint, filed July 29, 2021 SER333
10	Screening Order Pursuant to 28 U.S.C. § 1915 and Order re: Motion to Appoint Counsel, filed June 30, 2021
1	Complaint, filed June 2, 2021 SER367
188	Plaintiff's Notice of Appeal, filed April 3, 2023 SER380
	Docket EntriesSER383